

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

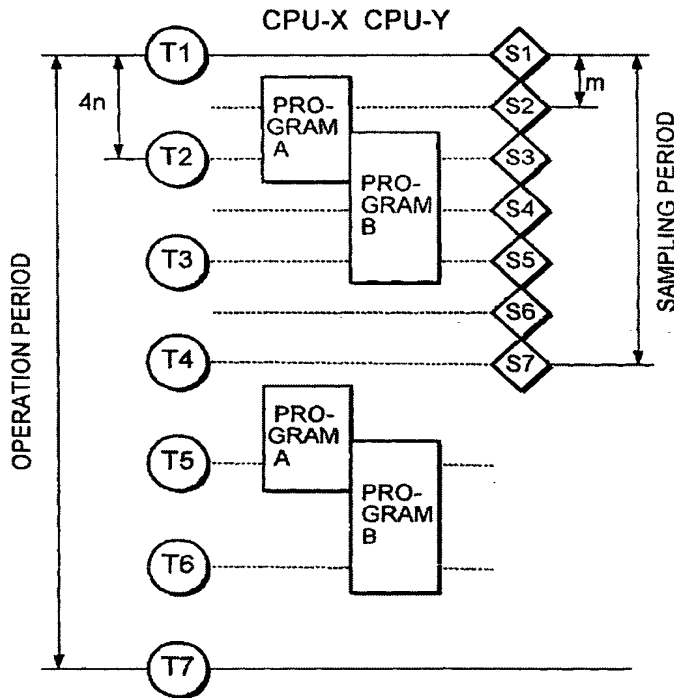
The Official Action rejects claims 2, 3, 5, 6, 8, and 9 under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. Underlying this rejection is the interpretation of the rejected claims as reciting what the Official Action describes as a single time interval.

As the Official Action notes in connection with Figure 8, there exist two distinct time intervals, namely $4n$ and m . These relate to the intervals for sampling CPU operation time and CPU operation status, respectively. The following passage from the specification beginning on page 16, line 23 (emphasis added), as well as the reproduced Figure 8 serve to illustrate these two distinct time intervals.

When the operation-period CPU occupation time is calculated for each total unit in the computer 100 having the central processing unit group 110 composed of two central processing units as shown in FIGS. 8 and 9, the CPU operation time obtaining timer notification means 140 starts the CPU operation time obtaining means 130 at an interval of $4n$ throughout the operation period ($T1$ to $T7$ in FIG. 8). The CPU operation time obtaining means obtains the operation time of each CPU and writes the CPU operation time history record 210 ($D1$ in FIG. 9).

On the other hand, the CPU operation status obtaining timer notification means 160 starts the CPU operation status obtaining means 150 at an interval of m throughout a sampling period ($S1$ to $S7$ in FIG. 8) which is shorter than the operation period. The CPU operation status obtaining means 150 obtains information on the address at which each CPU is

performing processing and writes the CPU operation status history record 310 (D3 in FIG. 9).



So as to clarify the distinction between the respective intervals, applicant has amended the claims to separately identify an operation-time interval and operation-status interval, corresponding to $4n$ and m in the illustration of Figure 8, respectively. These changes to the identification of intervals are incorporated into the amendments to each of claims 2, 5, and 8, which have been amended to incorporate the features of original claims 1, 4, and 7, respectively. In each case, the text taken from the independent claim is modified by replacing "regular interval" with "regular operation-status interval" in the paragraph reciting the element related to CPU operation

status. All of the claims remaining in the application now distinguish between the two identified intervals.

As the amendments described above serve to enable one of skill in the art to make and/or use the invention, and the amendments to the claims are fully supported by the application as originally filed, reconsideration and withdrawal of the enablement rejection are respectfully requested.

The Official Action rejects claims 7-9 under 35 USC §101 for reciting an invention that the Official Action considers to be directed to non-statutory subject matter. Applicant has amended remaining claims 8 and 9 to recite a program comprising computer executable instructions stored on a computer readable medium, such instructions being executable by a computing device to perform the identified steps. As the invention as thus defined falls within the definition of statutory subject matter, reconsideration and withdrawal of this rejection are respectfully requested.

The Official Action rejects claims 1, 4, and 7 under 35 USC §102(b) as being anticipated by FOSTER. Applicant has canceled each of the rejected claims, incorporating their substance into claims 2, 5, and 8, respectively. As no rejection as to the merits is directed against any of the remaining claims and the basis for the §112, first paragraph and §101 rejections is addressed by amendment, applicant respectfully suggests that all the claims remaining in the application are in condition for

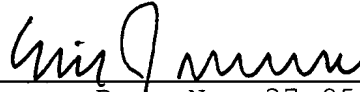
allowance and an early indication of the same is respectfully requested.

If the Examiner has any questions or requests further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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